

### REMARKS

#### Claim Disposition

Claims 1 – 23 are pending in the application. Claims 1-23 have been rejected. Claim 17 has been amended. Claim 24 has been added.

#### Claim Objections

Claim 17 stands objected to because of the following informalities: "The claim is dependent on claim 13, which is out of order in the claim listing. Examiner believes that the claim it depends on is misnumbered, and should be dependent on claim 15."

Applicants have reviewed Claim 17 and determined that Claim 17 was inadvertently written as being dependent upon Claim 13 when it should originally have been written to be dependent upon Claim 15. Applicants have amended the Claim 17 to be dependent upon Claim 15.

#### Claim Rejections 35 U.S.C. §102(b)

Claims 1-23 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Krivoshein U.S. Patent No. 6,449,715 B1 hereinafter referred to as Krivoshein. Applicants respectfully traverse.

Claim 1 of the instant application includes the elements:

*a producer device in communication with the network, the producer device including instructions to:*

*transmit a data sample to a consumer device via the network;*

*receive a request from the consumer device to send configuration information, the configuration information relating to the data sample; and*

*transmit the configuration information to the consumer device via the network.*

Thus, clearly claiming that the instructions *included* in the producer device enable the producer device to receive a request from the consumer device and transmit the requested information back to the consumer device *without any human user involvement*. Krivoshein,

in contrast, specifies that the request be received by a *user interface*, thus *requiring a human to interact* with the user interface to initiate transmittal of the requested information back to the requesting device. Support for this is found in Krivoshein column 14 lines 24-28, which states: *the user input routine 74 prompts a user to input, via one of the workstations 14, all of the information needed to configure and communicate with each of the different devices within each of the device networks...* Additional support is found in column 13 lines 46-56:

*the user input routine 74 may also be invoked whenever the documentation routine 78 is used to make a change to the configuration of the process control system 10, such as by adding a device or changing a device. When invoked, the user input routine 74 automatically prompts the user for the information needed to configure a device or a device network to establish communication or enable communication between a field device and a controller or other device during runtime of the process control system 10 and to document that configuration.*

Requiring human action to initiate a response to the requested information is less desirable due to additional time and effort needed as well as the increased potential for errors that exist with human involvement. Krivoshein, therefore, does not teach, disclose or suggest this element of Claim 1. As such an anticipation rejection of Claim 1 is improper and the rejection should be withdrawn.

Additionally Claim 1 includes the element that: *the producer device including instructions to: ...and transmit the configuration information to the consumer device via the network.* Making it clear that the actual configuration information itself is transmitted from the producer device to the consumer device. In contrast, Krivoshein does not send the actual configuration information to the I/O device, but instead sends a runtime configuration as is specified in column 6 lines 1-5: *the configuration system then creates and downloads to the master I/O master device associated with the remote I/O device network a runtime configuration which enable communication between a controller with the process control system and the remote I/O field devices.* Krivoshein does not disclose actually sending the configuration information to the consumer device and as such cannot anticipate this claimed element. Claim 1 is therefore allowable and the anticipation rejection should be withdrawn.

The Examiner has rejected independent Claims 15 and 23 for the same reasons, citing the same reference as used to reject Claim 1. The argument put forth above to support the rejection of Claim 1 as improper equally applies to Claims 15 and 23, therefore, Claims 15

and 23 are allowable and their rejections should be withdrawn.

All of the dependent claims, specifically Claims 2-14, and 16-22, are dependent upon independent Claims 1 and 15, either directly or indirectly, and are therefore allowable as well, and their rejections should be withdrawn.

**Specific Dependent Claim Elements Not Anticipated**

Dependent Claims 4-7, 10, 11, 18 and 19 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Krivoshein U.S. Patent No. 6,449,715 B1 hereinafter referred to as Krivoshein. Applicants respectfully traverse.

Claims 4-7, 10, 11, 18 and 19 include the elements of a first configuration or a second configuration, and specifically claim the automated coordination, via the communication between the producer device and the consumer device, of a transition from the first configuration to the second configuration. For example, in Claim 4: *the producer device transmits... that the second configuration is pending*, and in Claim 11: *the producer device maintains a first configuration for a predetermined time....* Krivoshein does not disclose any two way communication between a sending device and a receiving device to coordinate an impending configuration change. In rejecting these claims the Examiner has cited several paragraphs of column 16 of Krivoshein, however, a thorough review of these paragraphs finds that the *multiple configurations* described in Krivoshein are actually *between different devices*. For example, in column 16 lines 6-8: *The configurator 76 may store and use a different configuration routine for each of the different types of device networks to be configured*. And in column 16 lines 16-25:

*After configuring, for example, the Profibus master I/O device 55 to enable communication between the controller 12 and the Profibus devices 50-52, the configurator 76 may use a different configuration routine to configure the AS-Interface I/O device 60 and, if necessary, one or more still different configuration routines to configure the Fieldbus master I/O device 44 and the HART master I/O device 48 using the information stored in the configuration database 72 about the devices within these networks.*

Krivoshein does not teach, disclose or suggest these elements and therefore the anticipation rejections of Claims 4-7, 10, 11, 18 and 19 are improper and should be withdrawn.

**Dependent Claim Added**

Dependent Claim 24, which is dependent upon Claim 1, has been added. Claim 24 includes all of the elements of Claim 1 with the addition that *the configuration information is stored in the producer device*. No new matter has been added with this new claim since the element of the configuration information being stored in the producer device was disclosed in the application as filed. Specifically, in paragraph [0020] *Device X contains configuration information 20 regarding the configuration of data 30 that it is able to produce*, and in paragraph [0022] *Device Y contains configuration information 40 regarding data 50 that it is able to produce*, and Figure 1 clearly shows configuration information 20 in device X and configuration information 40 in device Y.


It is believed that the foregoing remarks are fully responsive to the Office Action and that the claims herein should be allowable to the Applicant. In the event the Examiner has any queries regarding the instantly submitted response, the undersigned respectfully request the courtesy of a telephone conference to discuss any matters in need of attention.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully Submitted,

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